

# HOUSE BILL No. 1521

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-2-14.

**Synopsis:** Coroner issues. Requires a coroner to file a certificate of death with a county health department within 72 hours after the completion of a death investigation. Removes a provision allowing a coroner to employ the services of the medical examiner system. Makes knowingly or intentionally failing to notify a coroner or law enforcement agency of the discovery of a body of a person who died from violence or in an apparently suspicious, unusual, or unnatural manner a Class A misdemeanor. (Under current law it is a Class B infraction.) Makes it a Class D felony for a person, without the permission of a coroner or a law enforcement officer, to knowingly or intentionally alter the scene of death of a person who has died from violence or in an apparently suspicious, unusual, or unnatural manner. (Current law provides that it is a Class D felony if a person moves or transports the body.) Defines "autopsy" for purposes of the law requiring a coroner who performs an autopsy to bill the county in which the incident causing the death of the autopsy subject occurred. Requires a coroner to follow the Uniform Anatomical Gift Act concerning organ and tissue procurement. Repeals provisions: (1) authorizing a coroner to issue a warrant for the arrest of an individual whom the coroner is charging with a felony; and (2) requiring a coroner or a coroner's representative to attend meetings of the commission on forensic sciences when invited.

**Effective:** July 1, 2007.

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**Moses, Ripley, Kersey**

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January 23, 2007, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1521

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-2-14-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the  
3 coroner is notified that a person in the county:

- 4 (1) has died from violence;
- 5 (2) has died by casualty;
- 6 (3) has died when apparently in good health;
- 7 (4) has died in an apparently suspicious, unusual, or unnatural
- 8 manner; or
- 9 (5) has been found dead;

10 ~~he the coroner~~ shall, before the scene of the death is disturbed, notify  
11 a law enforcement agency having jurisdiction in that area. The agency  
12 shall assist the coroner in conducting an investigation of how the  
13 person died and a medical investigation of the cause of death.

14 (b) The coroner:

- 15 (1) shall file ~~with the person in charge of interment a coroner's~~  
16 ~~certificate of death within seventy-two (72) hours after being~~  
17 ~~notified of the death. If the cause of death is not established with~~

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reasonable certainty within seventy-two (72) hours, the coroner shall file with the person in charge of interment a coroner's certificate of death, with the cause of death designated as "deferred pending further action". As soon as he determines the cause of death, the coroner shall file a supplemental report indicating his exact findings with the local health officer having jurisdiction, who shall make it part of his official records: **a certificate of death with the county health department, or if applicable, a multiple county health department of the county in which the individual died within seventy-two (72) hours after the completion of the death investigation;**

**(2) shall complete the certificate of death using all verifiable information establishing the time and date of death; and**

**(3) may file a pending investigation certificate of death before completing the certificate of death, if necessary.**

(c) If this section applies, the body and the scene of death may not be disturbed until the coroner has photographed them in the manner that most fully discloses how the person died. However, a coroner or law enforcement officer may order a body to be moved before photographs are taken if the position or location of the body unduly interferes with activities carried on where the body is found, but the body may not be moved from the immediate area and must be moved without substantially destroying or altering the evidence present.

(d) When acting under this section, if the coroner considers it necessary to have an autopsy performed, is required to perform an autopsy under subsection (f), or is requested by the prosecuting attorney of the county to perform an autopsy, the coroner shall employ a physician:

(1) certified by the American board of pathology; or

(2) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American board of pathology;

to perform the autopsy. The physician performing the autopsy shall be paid a fee of at least fifty dollars (\$50) from the county treasury. ~~A coroner may employ the services of the medical examiner system; provided for in IC 4-23-6-6; when an autopsy is required; as long as this subsection is met.~~

(e) If:

(1) at the request of:

(A) the decedent's spouse;

(B) a child of the decedent, if the decedent does not have a spouse;

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(C) a parent of the decedent, if the decedent does not have a spouse or children;

(D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or

(E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;

(2) in any death, where two (2) or more witnesses who corroborate the circumstances surrounding death are present; and

(3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(f) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is at least one (1) week old and not more than three (3) years old unless an autopsy is performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (e) applies to the death of the child.

SECTION 2. IC 36-2-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person who knowingly or intentionally fails to immediately notify the coroner or a law enforcement agency of the discovery of the body of a person who has died:

(1) from violence; or

(2) in an apparently suspicious, unusual, or unnatural manner;

commits a ~~Class B infraction~~. **Class A misdemeanor.**

(b) A person who, without the permission of the coroner or a law enforcement officer, knowingly or intentionally ~~moves or transports from~~ **alters** the scene of death ~~the body~~ of a person who has died:

(1) from violence; or

(2) in an apparently suspicious, unusual, or unnatural manner;

commits a Class D felony.

SECTION 3. IC 36-2-14-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. **(a) As used in this section, "autopsy" means the external and surgical internal examination of all body systems of a decedent, including toxicology and histology.**

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~ **(c)** and IC 4-24-4-1, if an Indiana resident:

(1) dies in an Indiana county as a result of an incident that

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1 occurred in another Indiana county; and

2 (2) is the subject of an autopsy performed under the authority and  
3 duties of the county coroner of the county where the death  
4 occurred;

5 the county coroner shall bill the county in which the incident occurred  
6 for the cost of the autopsy, including the physician fee under section  
7 6(d) of this chapter.

8 ~~(b)~~ (c) Except as provided in subsection ~~(a)~~ (b) and IC 4-24-4-1,  
9 payment for the costs of an autopsy requested by a party other than the:

10 (1) county prosecutor; or

11 (2) county coroner;

12 of the county in which the individual died must be made by the party  
13 requesting the autopsy.

14 ~~(c)~~ (d) This section does not preclude the coroner of a county in  
15 which a death occurs from attempting to recover autopsy costs from the  
16 jurisdiction outside Indiana where the incident that caused the death  
17 occurred.

18 SECTION 4. IC 36-2-14-22 IS ADDED TO THE INDIANA CODE  
19 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
20 1, 2007]: **Sec. 22. A coroner shall follow the procedures set forth in**  
21 **IC 29-2-16 concerning organ and tissue procurement.**

22 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE  
23 JULY 1, 2007]: IC 36-2-14-12; IC 36-2-14-14.

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